

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DEBORAH CAHILL,

Plaintiff,

V.

FRANCISCAN HEALTH SYSTEM,

Defendant.

CASE NO. C12-5829 BHS

ORDER DENYING
DEFENDANT'S MOTION TO
COMPEL

This matter comes before the Court on Defendant Franciscan Health System's

(“FHS”) motion for *in camera* review and to compel production of documents (Dkt. 46).

On October 21, 2013, FHS filed the instant motion requesting that the Court

conduct an *in camera* review of certain documents (Dkt. 55) and then rule on whether

Plaintiff Deborah Cahill (“Cahill”) should produce the documents. Dkt. 46. On

November 4, 2013, Cahill responded. Dkt. 52. On November 11, 2013, FHS replied.

Dkt. 71. On December 9, 2013, the Court issued an order renoting the motion and

requesting additional briefing. Dkt. 89. Specifically, the Court relied on the standard set

forth in *Fellows v. Moynihan*, 175 Wn.2d 641 (2012), and stated that “[i]t appears that the

1 documents in question may have been prepared for a potential peer review proceeding,
2 but there is a lack of evidence in the record to support this conclusion.” Dkt. 89 at 2.

3 On December 20, 2013, Cahill filed a supplemental brief and the declaration of
4 Stuart Freed. Dkts. 91 & 92. On December 27, 2013, FHS filed a supplemental brief.
5 Dkt. 93.

6 Based on review of the documents and the declaration of Dr. Freed, the Court
7 finds that the documents in question are subject to the peer review privilege. Therefore,
8 the Court **DENIES** FHS’s motion to compel.

9 **IT IS SO ORDERED.**

10 Dated this 13th day of January, 2014.

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BENJAMIN H. SETTLE
United States District Judge
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